



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,050	02/17/2004	Gregory L. Horne	1707JB.036732	9683

33940 7590 01/04/2007
JEFFREY S. WHITTLE
BRACEWELL & PATTERSON
P.O. BOX 61389
HOUSTON, TX 77208-1389

EXAMINER

TRAN, QUOC DUC

ART UNIT	PAPER NUMBER
----------	--------------

2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/780,050	Applicant(s) HORNE, GREGORY L.	
	Examiner Quoc D. Tran	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 20-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 is/are allowed.
- 6) ☒ Claim(s) 20-25, 27, 30 and 31 is/are rejected.
- 7) ☒ Claim(s) 26, 28 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 20 and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Bleile (6,044,148).

Consider claim 20, Bleile teaches a method of identifying incoming calls (see abstract), comprising responsive to detecting an incoming call received from a telecommunication service provider network (i.e., central office) (see col. 2 lines 40-67), determining caller ID information associated with the incoming call without allowing an audible indicator of the incoming call to sound (see col. 4 lines 59-62); selecting a default mode when there is not any caller identification information associated with the incoming call (col. 4 lines 16-21), the default mode selectively control by a user (col. 5 lines 29-30); handling the call in accordance with the selected default mode (col. 4 lines 16-21).

Consider claim 23, col. 5 lines 6-16 of Bleile teaches the claimed limitation.

Consider claim 24, col. 1 lines 31-33 of Bleile teaches the claimed limitation.

Consider claim 25, col. 4 lines 53-58 of Bleile read on the claimed limitation.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 21, 27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bleile (6,044,148) in view of Anderson (5,995,603).

Consider claim 21, Bleile did not suggest transmitting the call to one of a plurality of live ports. However, Anderson suggested such (col. 2 lines 19-23). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Anderson into view of Bleile in order for enabling the user with more options in handling calls.

Consider claims 27 and 30, Bleile teaches all the claimed limitations (see rejection in claim 20). Bleile did not suggest of passing the incoming call to an answer machine at the CPE location through a selected one of a plurality of answering system device ports without allowing the audible indicator to sound responsive to the caller identification not being associated with a preselected calling party. However, Anderson suggested such (col. 2 lines 19-23). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Anderson into view of Bleile in order for enabling the user with more options in handling calls.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bleile (6,044,148) in view of Couse (6,006,088).

Art Unit: 2614

Consider claim 22, Bleile did not suggest of transmitting the call to a radiofrequency handset also at the customer premises location when there is caller identification associated with the incoming call matching caller identification information for an allowable calling party. However, Couse suggested such (col. 2 lines 41-50). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Couse into view of Bleile in order to provide user with mobility within the customer premises location.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 20-21, 25, 27 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson (5,995,603).

Consider claims 20, 27 and 30, Anderson teaches a method of identifying incoming calls (see abstract), comprising responsive to detecting an incoming call received from a telecommunication service provider network (see col. 1 lines 66-67), determining caller ID information associated with the incoming call without allowing an audible indicator of the incoming call to sound (see col. 1 line 67 – col. 2 line 8); selecting a default mode when there is not any caller identification information associated with the incoming call, the default mode selectively control by a user; and handling the call in accordance with the selected default mode

(col. 2 lines 15-23). It should be noted that when there is no caller identification, the call screening device will treat it as no match or treat the call as not from an authorized caller.

Consider claim 21, col. 2 lines 19-23 of Anderson teaches the claimed limitations.

Consider claim 25, col. 2 lines 15-19 of Anderson read on the claimed limitation.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (5,995,603) in view of Couse (6,006,088).

Consider claim 22, Anderson did not suggest of transmitting the call to a radiofrequency handset also at the customer premises location when there is caller identification associated with the incoming call matching caller identification information for an allowable calling party. However, Couse suggested such (col. 2 lines 41-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Couse into view of Anderson in order to provide user with mobility within the customer premises location.

10. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (5,995,603) in view of Bleile (6,044,148).

Consider claim 23, Anderson did not suggest providing visual indication of the incoming call at the customer premises location without providing audio indication of the incoming call

Art Unit: 2614

and transmitting the call to an answer machine device after providing visual indication.

However, Bleile suggested such (col. 5 lines 6-16). Therefore it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Bleile into view of Anderson in order to assist the called party in identifying the caller.

Consider claim 24, col. 1 lines 9-11 of Anderson teaches the claimed limitation.

11. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (5,995,603) or Bleile (6,044,148) in view of Swan et al (6,134,320).

Consider claim 31, Bleile or Anderson failed to suggest of an override code entered by a caller for enable the call to pass through the screening feature. However, Swan et al disclosed such (col. 9 lines 35-46). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate such teaching in order to enhanced the screening features.

Allowable Subject Matter

12. Claims 1-5 are allowed.

13. Claims 26, 28-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

14. Applicant's arguments filed 10/04/2006 have been fully considered but they are not persuasive.

Regarding to applicant argument at Bleile failed to suggest a default mode selectively controlled by a user when there is no caller ID information received. Accordingly, the examiner

Art Unit: 2614

respectfully disagrees with applicant argument. Bleile invention is directing to call screening that enable a user to take control on how to handle incoming calls. When an incoming call is detected, the microprocessor determines whether a FSK data has been received. It should be noted that FSK data is caller ID data in the communication art. If the FSK data is received, the response algorithm is ended (i.e., the incoming call is ended) (see col. 4 lines 16-21). Bleile further disclosed that the call handling algorithm is configurable based on the user discretion (see col. 5). Thus, these imply that if there is no FSK received, the default mode is to end the call. Therefore, Bleile teaching read on the limitation as claimed.

Regarding to applicant argument that Anderson also failed to teach a default mode when there is not any caller identification associated with the incoming call and that the examiner statement of “when there is no caller identification, the call screening device will treated it as no match or treated the call as not from an authorized caller” is not support in Anderson nor inherently disclosed. Accordingly, the examiner respectfully disagrees with applicant arguments. Anderson invention is drawn to telephone call screening device for suppressing ring and filtering out unauthorized calls. The apparatus includes a list of authorized telephone numbers that will allow the phone to ring normal and any incoming call that is not on this list will be prevent from ringing normally by distinctive ringing, answering by answering machine or redirecting to an alternative line. Thus, implies that any incoming call that is not on the authorized list will be place on a “default mode”. Furthermore, any call without a caller ID number will ultimately not on the authorized list. Thus, a no caller ID call is inherently not an authorized call. Therefore, when an incoming call that do not have a caller ID number associated with the call will also get

Art Unit: 2614

that same treatment as those calls that are not on the authorized list. Therefore, Anderson teaching read on the limitations as claimed.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any response to this action should be mailed to:

Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on M, T, TH and Friday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Art Unit: 2614

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


QUOC TRAN
PRIMARY EXAMINER

AU 2614

December 23, 2006